

ESTTA Tracking number: **ESTTA388829**

Filing date: **01/18/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91192099
Party	Plaintiff McDonald's Corporation
Correspondence Address	LAWRENCE E. JAMES, JR. NEAL, GERBER & EISENBERG LLP 2 NORTH LaSALLE STREET, SUITE 1700 CHICAGO, IL 60602 UNITED STATES rbrowne@ngelaw.com, jcullis@ngelaw.com, rbrowne@ngelaw.com, mturner@ngelaw.com, mbenson@ngelaw.com, lbailey@ngelaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Lawrence E. James, Jr.
Filer's e-mail	ljames@ngelaw.com, rbrowne@ngelaw.com, jcullis@ngelaw.com, mturner@ngelaw.com, lbailey@ngelaw.com
Signature	/Lawrence E. James, Jr./
Date	01/18/2011
Attachments	Stipulated_Extension_of_Close_of_Discovery McSweet II.pdf ( 4 pages )(12936 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:	)	
Application Serial No. 77/722,272	)	
Published in the <i>Official Gazette</i>	)	
September 1, 2009	)	
	)	
McDONALD's CORPORATION	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91192099
	)	
McSWEET, LLC,	)	
	)	
Applicant.	)	

**STIPULATED REQUEST FOR AN EXTENSION OF THE CLOSE OF DISCOVERY**

Opposer, McDonald's Corporation and Applicant, McSweet, LLC, hereby stipulate to and request that the Board enter a forty-five (45) day extension of all upcoming deadlines, including the close of discovery in the above-captioned proceeding.

Discovery is presently set to close January 18, 2011. The extension of the close of discovery sought herein is necessary to permit the parties to complete fact discovery in this case and would reset the relevant time periods as follows:

Discovery Closes:	03/04/2011
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Plaintiff's Pretrial Disclosures:	04/18/2011
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Plaintiff's 30-day Trial Period Ends:	06/02/2011
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Defendant/Counterclaim Plaintiff's Pretrial Disclosures:	06/17/2011
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30-day Trial Period for Defendant and Plaintiff in the Counterclaim:	08/01/2011
Counterclaim Defendant's and Plaintiff Rebuttal Disclosures Due:	08/16/2011
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff ends:	09/30/2011
Counterclaim Plaintiff's Rebuttal Disclosures Due:	10/15/2011
15-day Rebuttal Period for Counterclaim Plaintiff Ends:	11/14/2011
Plaintiff's Trial Brief Due:	01/13/2012
Defendant's Trial Brief and Plaintiff in the Counterclaim Due:	02/12/2012
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due:	03/13/2012
Reply Brief, if any, for Plaintiff in the Counterclaim Due:	03/28/2012

A motion to consolidate the above-captioned proceeding with proceeding No. 91178758 was filed December 15, 2010, and is presently pending before the Board. As part of that motion, both parties have requested that the Board adopt the schedule presently governing proceeding No. 91178758, which generally matches the schedule requested herein.<sup>1</sup> This stipulation is filed to request an extension of the relevant time periods in the event that the Board denies the Motion to Consolidate; however, should the Motion to Consolidate be granted, this Motion will be moot.

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<sup>1</sup> There are certain differences in the schedule requested herein and the schedule governing proceeding No. 91178758. Specifically, (i) there is a counterclaim in proceeding No. 91192099, which was not filed in proceeding No. 91178758; and, (ii) proceeding No. 91192099 was commenced after the effective date of the Miscellaneous Changes to Trademark Trial and Appeal Board Rules, 72 Fed. Reg. 42242 (August 1, 2007), including the revisions to Rule 2.121(a), (d) and (e), requiring pretrial disclosures, whereas proceeding No. 91178758 was commenced prior to that date.

WHEREFORE, the parties request that if the Board does not consolidate this proceeding with proceeding No. 91178758 pursuant to the December 15, 2010 Motion to Consolidate, the Board enter the schedule requested herein.

Dated: January 18, 2011

Respectfully submitted,  
HENDRICKS & LEWIS, PLLC

By: /Caitlin A. Bellum/  
Katherine Hendricks  
Caitlin A. Bellum  
Attorneys for Applicant McSweet, LLC  
Hendricks & Lewis, PLLC  
901 Fifth Avenue, Suite 4100  
Seattle, Washington 98164  
(206) 624-1933

Respectfully submitted,  
McDONALD'S CORPORATION

By: /Lawrence E. James, Jr./  
Robert E. Browne  
John A. Cullis  
Lawrence E. James Jr.  
Mike R. Turner  
NEAL, GERBER & EISENBERG LLP  
Two North La Salle Street - Suite 2200  
Chicago, IL 60602  
(312) 269-8000

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing STIPULATED REQUEST FOR AN EXTENSION OF THE CLOSE OF DISCOVERY, has been served on opposing counsel by mailing said copy on January 18, 2010, via U.S. Mail, First Class, postage prepaid to:

Katherine Hendricks  
HENDRICKS & LEWIS PLLC  
901 Fifth Ave., Ste 4100  
Seattle, WA 98164

/Lawrence E. James, Jr./  
Lawrence E. James Jr.

NGEDOCs: 1764217.1